

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**O. MATTHEW THOMAS,**  
Plaintiff,

v.

**SAN FRANCISCO TRAVEL ASSOCIATION,**  
Defendant.

Case No. 14-cv-03043-YGR

**ORDER RE: MOTION FOR SUMMARY  
JUDGMENT**

Re: Dkt. No. 33

Defendant San Francisco Travel Association filed a motion for summary judgment on June 29, 2015. (Dkt. No. 19.) On August 10, 2015, plaintiff O. Matthew Thomas filed an untimely reply. (Dkt. No. 24.) Plaintiff filed his opposition in pro per, although his counsel was never granted leave to withdraw from the case; moreover, the real party in interest appears to be a corporation listed as a “dba” for Thomas in the caption of the complaint. (*See* Dkt. No. 35.) Defendant moved to strike the opposition. (Dkt. No. 27.) Thereafter, Judge James Donato struck portions of documents filed in connection with the motion for summary judgment and motion to strike containing “inappropriate disclosures about confidential settlement negotiations between the parties.” (Dkt. No. 31.) Judge Donato then recused himself from the case. (*Id.*) The case was subsequently reassigned to the undersigned judge, and defendant filed a letter seeking clarification as to the process from re-noticing its motion for summary judgment. (Dkt. No. 33.) As to the issues raised in the letter, the Court **ORDERS** as follows:

Defendant shall re-file its motion for summary judgment, including a separate statement of material facts, pursuant to the Court’s Standing Order for Civil Cases. The requirement of a pre-filing conference is waived in this instance. The Court deems the pending motions for summary judgment and to strike **WITHDRAWN**. The Court understands that counsel for plaintiff has not yet withdrawn from the case, and no motion to withdraw is pending. Thus, to the extent the newly

1 filed motion is opposed, plaintiff shall file an appropriate and timely opposition brief through  
2 counsel.

3 This Order terminates Docket Numbers 19, 27.

4 **IT IS SO ORDERED.**

5 Dated: October 20, 2015

6 

7 YVONNE GONZALEZ ROGERS  
8 UNITED STATES DISTRICT COURT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California